



Nova Scotia

**Nova Scotia Office of the Ombudsman
Annual Accountability Report for the Fiscal Year 2001/02**

July 22, 2002

Final Report

Table of Contents

1. Accountability Statement	3
2. Message from the Ombudsman	4
I. Introduction	5
II. Progress & Accomplishments	6
Goal One.....	6
Goal Two	7
Goal Three	9
III. Financial Results	9
IV. Outcome Measures	9

Accountability Statement

The accountability report of the Nova Scotia Office of the Ombudsman for the year ended March 31, 2002, is prepared pursuant to the *Provincial Finance Act* and government policy and guidelines. These authorities require the reporting of outcomes against the Office of the Ombudsman's business plan information for the fiscal year 2001/02. The reporting of outcomes necessarily includes estimates, judgments and opinions by management of the Office of the Ombudsman.

We acknowledge that this accountability report is the responsibility of the Office of the Ombudsman's management. The report is, to the extent possible, a complete and accurate representation of outcomes relative to the goals and priorities set out in the Office of the Ombudsman's business plan for the fiscal year 2001/02.

Mayann Francis
Ombudsman

Janet McKinnon
A/Assistant Ombudsman

Message from the Ombudsman

This document highlights the progress made towards achieving the mission of:

To ensure the concerns of all citizens - including youth in the care and custody of the municipal and provincial governments - regarding principles of administrative fairness and natural justice in the delivery of municipal and provincial public services are addressed through an independent, objective, review mechanism.

The Nova Scotia Office of the Ombudsman is an independent government agency charged with administering the Ombudsman Act, a provincial statute created in 1971. My appointment as Ombudsman in December 2000, although seen as a temporary move, presented many challenges. Some members of the public clearly expressed the view that my dual appointment as Ombudsman and Executive Director of the Nova Scotia Human Rights Commission presented a conflict of interest. Immediately after I was appointed, I sought legal advice about conflict issues. The result was a policy which took affect in March 2001 to minimize conflict of interest.

The next big challenge was to illustrate to the public that both organizations remained independent of one another. The government's intent with my appointment was to expand the organizational review of the Nova Scotia Human Rights Commission to look for possible synergies with the work of the Ombudsman's office. In February 2002, the government announced that the Ombudsman would remain independent and a permanent Ombudsman would be appointed in the summer of 2002.

I. Introduction

This document is based on the goals and priorities identified in the Office of the Ombudsman's 2001/02 business plan. With that in mind, this report should be read in concert with the business plan.

The report will outline the progress made towards achieving the goals and priorities with a particular focus on the core business areas of Intake and Investigation and the Children's Ombudsman. The Office of the Ombudsman was able to meet its budget targets. These challenges included a continued effort to process intake and assessments in a timely manner. We were able to maintain our target of completing formal investigations within a 9-12 month period. By the end of the fiscal year the average length of time to complete a formal investigation was 11 months. Our goal is to complete formal investigations in a 9 month period.

In December 2000, the Executive Director of the Nova Scotia Human Rights Commission was appointed Ombudsman. This dual appointment continued throughout the 2001/02 fiscal year.

The organizational review of the Human Rights Commission was expanded to look at synergies between the Commission, the Office of the Ombudsman and other agencies, boards and commissions exercising similar mandates. In April 2001, the consulting firm Grant Thornton was contracted to conduct Phase Two of the review which examined roles, responsibilities and structures of the Office of the Ombudsman and the Human Rights Commission. Their draft final report was provided to the provincial government in August 2001.

In February 2002, the provincial government announced it was accepting the findings of the draft final report to maintain the independence of the Ombudsman in anticipation of having a permanent Ombudsman in place by summer 2002.

During 2001/02, the Office of the Ombudsman continued to effectively process complaints regarding provincial and municipal government departments, agencies, boards and commissions and to take proactive steps to educate youth in provincial custody of their rights. The Office of the Ombudsman developed and initiated an education program with the focus of increasing the awareness of provincial and municipal government employees and youth in provincial custody of the roles and responsibilities of the Office of the Ombudsman.

The Office of the Ombudsman was able to provide an ongoing program of workshops and training for its staff. The training included enhancing negotiation and mediation skills and courses in computer and administrative areas.

In the following pages, information is provided to report against the specific goals and priorities identified in the 2001/02 business plan.

II Progress and Accomplishments

In its 2001/02 business plan, the Office of the Ombudsman established the following priorities:

1. To provide all citizens with access to an independent, objective review/complaint resolution mechanism.
2. To increase the awareness of citizens of their right to access the Ombudsman's independent, objective review/complaint resolution mechanism.
3. To ensure all complaints are investigated objectively and thoroughly, in a confidential and timely manner.

What follows is a brief report on major initiatives undertaken to achieve the priorities.

Priority One: To provide all citizens with access to an independent, objective review/complaint resolution mechanism.

- Provide a model(s) for the consideration of the Provincial Government from Phase Two of an organizational review of the roles, responsibilities and structure of the Office of the Ombudsman and the Human Rights Commission.
- A draft final report from Phase Two was provided to the provincial government in late August 2001. In February 2002, the provincial government announced it was accepting the findings of the draft final report to maintain the independence of the Ombudsman and hoped to have a permanent Ombudsman in place by summer 2002.
- Review the expanding role of the Children's Ombudsman in cooperation with the Provincial Government's Children's and Youth Action Committee (CAYAC).
- Representatives from the Children's Section attended a number of meetings with CAYAC members to determine a way to establish a complaints resolution mechanism regarding concerns arising in sport activities. CAYAC represents an inter-departmental coalition designed to examine ways in which provincial resources may be pooled to address initiatives for children and youth. There is concern that children involved in sports have no mechanism for addressing any complaints ranging from minor programming concerns to allegations of abuse by someone in a position of authority. The Children's Section had

been requested to provide this service in Nova Scotia; however, it was determined that such a role would not be possible. The Children's Section has participated in meetings to advise on the establishment of an appropriate response framework.

- Hire additional staff for the Intake and Investigation section on a temporary basis to ensure intake and referral continues to be performed in a timely manner.
 - Two additional Investigators were hired (one contract, one casual). This allowed the office to provide a better quality service and to not have to rely heavily on students to conduct referrals and assessments. It also allowed the number of investigations conducted by the Director of Investigations to decrease and allow her to perform a supervisory role.
- Explore and recommend options for developing a computerized database to track information for the Children's Ombudsman.
 - A comprehensive database, Young Offender Directory of Allegations (YODA), has been developed to track all contacts between youth and the Children's Section. When a complaint is received by the Children's Section, YODA maintains a record of the complaint and also collects any relevant details pertaining to the provincial department or service against which the complaint is made. This wide qualitative analysis enables field officers to assess and address any breakdown in provincial services for youth.
- Hire one additional field officer for the Children's Ombudsman on a temporary basis to assist with the expanded caseload for children in the care and custody of the municipal and provincial governments.
 - An additional field officer has been hired on a contract basis. This allows the Children's Section to maintain its level of functioning while a field officer is on maternity leave.

Priority Two: Increase the awareness of citizens of their right to access the Ombudsman's independent, objective review/complaint resolution mechanism.

The Children's Section, Office of the Ombudsman, is dedicated to providing service to children and youth in care and custody of the provincial government.

- Conduct focus groups, speaking engagements, information sessions and regular site visits through the Children's Ombudsman to educate youth of their rights while in care and custody.

- A focus group was held in February 2002 by the Children's Section under the Right Way program, Save the Children Canada, eight Right Way workshops were held in February 2002.
- The Children's Ombudsman was the keynote speaker at the Family & Children's Services of Queens County Annual General Meeting on June 21, 2001.
- Information sessions took place within the youth facility settings by the Children's Section.
- The following organizations each received information about the Children's initiatives: National Youth in Care, Save the Children Canada, Child Victims & Criminal Justice System Roundtable Organizers, Youth Alternative Society, Delegates of Canadian Criminal Justice Association, Youth Employability Program, Police & Public Safety Training Presentation, Southwest Community Justice Society General Meeting.
- There were monthly site visits to both the Nova Scotia Youth Centre and Shelburne Youth Centre.
- Increase the awareness of citizens and public officials of their rights and responsibilities through speaking engagements and information sessions.
 - Developed presentations targeted to citizens and public officials.
 - Initial presentation provided to Senior Operations Committee, Department of Community Services on January 22, 2002, number of participants - 12
 - Initial presentation provided to Business Law and the Paralegal course at Akerley Campus on February 11, 2002, number of participants - 38
 - The Director of Investigations presented at the Canadian Ombudsman Conference on September 11, 2001, number of participants - 200.
 - Information brochure developed and distributed to government departments and complainants. Brochures were completed on March 12, 2002. Twenty five brochures were sent to each of the 51 Members of the Legislative Assembly with the request that these be displayed in their constituency offices (total 1275). Brochures also included in

correspondence from this office to respondents and complainants from March 12, 2002 onwards. The distribution to organizations and complainants will continue throughout the upcoming fiscal year.

- Update the website for the Office of the Ombudsman to include more accurate information about services available to the public.
 - The Office of the Ombudsman's website continued to be developed as a tool for communicating with the public
- Complete an audit by the Children's Ombudsman of municipal police forces and the Nova Scotia detachments of the RCMP which will examine their policies and procedures for children and youth in custody.
 - Audits and information sessions were conducted with both municipal police and RCMP detachments from March 2001 through the fall of 2001.

Priority three: To ensure all complaints are investigated objectively and thoroughly, in a confidential and timely manner.

- Implement written guidelines to avoid a conflict of interest while investigating complaints involving the Nova Scotia Human Rights Commission.
 - Guidelines to Minimize Conflict were developed in March 2001.
 - Assessment and Investigations continued to be processed in a timely and objective manner.
 - The Investigation Section, Office of the Ombudsman provided 424 referrals, 739 assessments of complaints regarding provincial and municipal government departments, boards, agencies or commissions, and conducted 66 formal investigations in the fiscal year 2001/02. Referrals are usually completed on the day of the initial contact. Assessments can vary from a few weeks to a number of months, depending upon the complexity of the matter.
- Educate staff on the Provincial Government's Code of Conduct for employees, with continued emphasis on the importance of practicing confidentiality at all times.

Office of the Ombudsman

- Staff received orientation to the provincial government's Code of Conduct for Civil Servants (all staff of the Office of the Ombudsman attended) .

III. Financial Results

The Office of the Ombudsman budget for 2001/02 was \$835,000.00. \$435, 000.00 was dedicated to the Investigation Section. This section was under budget by\$39,885.61. The Children's Ombudsman budget was \$400,000.00. The Children's Section was under budget by \$161,362.44. the Office was under spent by \$201,248.05 due to the delay in the implementation of the Children's Ombudsman service to children in care of the government (Community Services, Residential Child-Caring Facilities). In addition, funds were set aside from the budgets in both sections in anticipation of the appointment of a full time Ombudsman.

IV. Outcome Measures

These were not required for this fiscal year. Outcome measures will be reported for the 2002/03 accountability report.



Nova Scotia

Office of the Ombudsman

Business Plan 2005 - 2006

Final

April 1, 2005

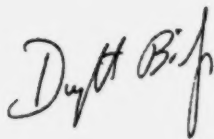
TABLE OF CONTENTS

Message from the Ombudsman	Page 3
Mission	Page 4
Planning Context	Page 4
Strategic Goals	Page 5
Core Business Areas	Page 6
Priorities	Page 7
Budget Context	Page 9
Performance Measures	Page 9

Office of the Ombudsman

Message from the Ombudsman

This document has been prepared in keeping with our legislative mandate(s) and government priorities. It is designed to foster confidence in public administration and ensure our services are sensitive and responsive to citizens and government. This planning cycle will see the stabilization of the staffing process, greater focus and outreach in the areas of children, seniors and diversity. A reduction in time lines to complete investigations and the expansion of an early resolution prevention model will also occur. Inherent in the plan is the importance of human resources, communication, relationship building and training. The plan recognizes and serves to augment the important role public servants perform.

A handwritten signature in cursive script, appearing to read "Dwight Bishop".

Dwight Bishop
Ombudsman

A. Mission

Foster confidence in the public service by promoting the principles of fairness, integrity and good governance.

B. Planning Context

The Ombudsman is established as an Officer of the House of Assembly, a commissioner for investigations. The Office of the Ombudsman investigates complaints arising from the administration of provincial or municipal laws within Nova Scotia. The Office of the Ombudsman may also initiate investigations of administrative activities and practices, referred to as an "Own Motion Investigation" or matters referred to it by a "committee of the House".

In September 2004, the mandate of the Office of the Ombudsman expanded to include responsibilities as set out in the *Regulations Respecting Civil Service Disclosure of Wrongdoing*.

The Ombudsman Act was amended in May 2004 and in December 2004, Cabinet approved the regulations which clarified our jurisdiction over a number of entities such as the school boards, child welfare agencies, licenced child caring facilities, nursing homes for the aged, residential care facilities (seniors) hospitals and community colleges.

In 2003-2004, the Office of the Ombudsman addressed 1031 jurisdictional complaints, and conducted 30 formal investigations of municipal or provincial governments. In addition, 870 non-jurisdictional inquiries were redirected to the proper authorities. Twenty-nine monthly reports were released to the Department of Justice and the Department of Community Services on custody and care issues. Work continued on the development and implementation of the residential child care facilities complaint resolution process. In May 2004 we commenced the implementation of an outreach service to senior citizens.

During the first nine months of fiscal 2004-2005, the office addressed 778 jurisdictional complaints (76% of fiscal 2003-2004), provided 514 referrals to non-jurisdictional inquiries (59% of the fiscal 2003-2004) and conducted 13 formal investigations (43% of fiscal 2003-2004). Additionally, 20 monthly reports were released to the Department of Justice and the Department of Community Services on custody and care issues.

In 2003-2004, we continued to expand our outreach role and made 25 presentations to the public including employees of municipal and provincial government reaching 233 individuals. For the first nine months of fiscal 2004-2005 we conducted 36 presentations reaching approximately 518 individuals (an increase of 44 % of fiscal 2003 2004). We made 34 site visits, 29 of which were to the youth facilities, with 79 information sessions presented to 148 youth in care or custody. Staff conducted site visits to other facilities in order to gain familiarity and

Office of the Ombudsman

increase knowledge of various policies and procedures . We also made presentations or staffed information booths at educational facilities, service clubs, special events (approximately 825 individual received information material). We also began meeting deputy ministers, mayors, wardens and chief administrative officers throughout the province, reaching 22 senior government officials.

We are continuing to expand our collaborative initiatives with government officials and community groups. Progress was made in the area of public education measures, particularly with the seniors community.

In 2004/05, we received approval to restructure the Office of the Ombudsman. We will follow through on this initiative to ensure the Office has a permanent staff compliment.

C. Strategic Goals

In accomplishing its mission, the Office of the Ombudsman contributes to the Government's priority of fulfilling its role of providing responsible, accountable government. We may investigate complaints relating to the administration of any law of the Province which may include issues relating to any of the priorities identified by Government. This provides an opportunity to make recommendations to Government on how to improve the delivery of services.

In order to accomplish its mission, the Office of the Ombudsman has set the following goals for 2005-2006:

1. Quality complaint resolution process.

This goal is consistent with, and supports Government priorities by increasing public confidence and accountability of government in the delivery of programs and services.

2. Awareness, access and understanding of the Office of Ombudsman.

This goal is consistent with, and supports Government priorities by educating citizens and the Public Service on the principles of administrative fairness.

3. Fairness and accountability in public sector administration.

This goal is consistent with, and supports Government priorities by enhancing accountability in the delivery of programs and services.

4. Promote initiatives such as government policy development and review, as well as initiatives focusing on youth, seniors and cultural diversity.

This goal is consistent with, and supports Government priorities by increasing the knowledge of citizens and the Public Service and by reaching out to designated stakeholders (seniors, families and Nova Scotians in need, and cultural diversity).

D. Core Business Areas

1. *Complaint Processing*

Ensure citizen complaints are addressed in a timely, comprehensive, objective and independent manner through:

- investigation, assessment, and referrals
- utilization of alternate dispute resolution (ADR) processes
- formal investigation
- recommendations to improve the delivery of government services.

2. *Education*

Promote citizen and government awareness and understanding of the Office of the Ombudsman. Our communications strategy clarifies our role and mandate, and increases citizen's accessibility through:

- presentations/meetings
- pamphlets/brochures
- group targeting (i.e youth and seniors)
- increased media contact and coverage

3. *Public Service Administration and Good Governance*

Promote fairness and accountability in public sector administration through:

- identification of specific and systemic issues
- research and investigate systemic issues
- issuance of recommendations and monitoring compliance
- education/training

4. *Complaint Prevention/Reduction*

Promote a problem-solving model that embraces prevention, early identification, consultation and resolution of issues through:

- increasing Office of the Ombudsman presence, particularly with respect to target groups

Office of the Ombudsman

- building relationships within government and segments of the community
- participating in policy development and review committees/processes
- utilizing ADR processes.

E. Priorities

The priorities set out in this business plan were developed based on a budget allocation of \$1,152,000.00 (see schedule 1).

1. *Complaint Processing*

Receive and investigate complaints filed by citizens against provincial and municipal government departments, agencies, boards and commissions and work with departments and agencies to improve the administrative services.

Our priorities for 2005-2006 are to review and revise the complaint resolution processes to identify methods to provide more timely assessments and investigations, increase the use of ADR as well as conduct systemic reviews.

2. *Education*

Advise citizens of their right to access internal departmental and external complaint mechanisms, and of their right to access the Office of the Ombudsman.

One of our priority in 2005-2006 is to increase awareness of citizens, officials and employees of the Public Service of the role of the Ombudsman. A second priority is to increase awareness of the availability of our independent, objective review/complaint resolution mechanism which is based on the principles of administrative fairness and good governance.

3. *Public Service Administration and Good Governance*

Recommend and monitor amendments to policies, procedures and legislation arising from investigations and reviews. Through the recommending and monitoring component, the Office of the Ombudsman advises and educates citizens, elected officials and government employees of the principles of administrative fairness and good governance.

A priority in 2005 -2006 is to continue to develop a mutual relationship of trust and respect with government authorities to ensure implementation of recommendations. We will also increase

Office of the Ombudsman

research to identify and investigate systemic issues impacting on the delivery of government services.

4. Complaint Prevention/Reduction

Provide a service that promotes early intervention while maintaining independence from government.

Our priority in 2005-2006 is to increase requests from government officials to review proposed and existing legislation, regulations, policies and procedures.

A. Budget Context

(see attached schedule 1)

B. Performance Measures

(see attached template)

Office of the Ombudsman

Schedule 1

Office of the Ombudsman Estimated Budget Expenditures	
Core Business	2004-2005 Actual
	\$ Thousands
Administration, Investigation & Children's Section	\$915,000.00
Total - Gross Current	\$915,000.00
Total - Program Expenses Net of Recoveries	\$915,000.00
Salaries and Benefits	\$683,000.00
Funded Staff (FTE's)	12

Office of the Ombudsman Estimated Budget Expenditures	
Core Business	2005-2006
	\$ Thousands
Administration, Investigation & Children's Section	\$1,152,000.00
Total - Gross Current	\$1,152,000.00
Total - Program Expenses Net of Recoveries	\$1,152,000.00
Salaries and Benefits	\$929,200.00
Funded Staff (FTE's)	14

Performance Measures

Strategic Goal: Quality complaint resolution process				
OUTCOME (immediate or inter-mediate)	MEASURE	DATA	TARGET	Strategic Actions to achieve target
An efficient and effective complaint resolution process	Timely completion of assessments	2001-2002 - 3 weeks 2002-2003 - 6 working days 2003-2004 - 1 - 7 days*	2005-2006 - Maintain 2003-04 target of 1-7 days - 2006-2007 Maintain 2003-2004 target of 1-7 days	Stabilize the workforce to reduce staff turnover and initiate training opportunities for staff
	Timely completion of formal investigations	2001-2002 - 12 months 2002-2003 - 13 months 2003-2004 - 16 months	2005-2006 - 12 months 2006-2007 - 9 months	Stabilize the workforce to reduce to staff turnover and initiate training opportunities for staff

Office of the Ombudsman

Strategic Goal: Quality complaint resolution process				
OUTCOME (immediate or inter-mediate)	MEASURE	DATA	TARGET	Strategic Actions to achieve target
Increased awareness of the role and mandate of the Office. Increase public confidence and accountability of government	Reduction in the number of formal investigations	2001-2002 - 66 2002-2003 - 47 2003-2004 - 30	2005-2006 - maintain current level 2006-2007 - 10% reduction	Educate government officials and public servants on the role and mandate of the Office
	Increase usage of Alternate Dispute Resolution processes		2005-2006 increase the use of ADR by 10% 2006-2007 increase the use of ADR by 15%	

* Statistics format was modified in 2003-2004

Office of the Ombudsman

Strategic Goal: Awareness, access and understanding of the Office of Ombudsman				
OUTCOME (immediate or inter-mediate)	MEASURE	DATA	TARGET	Strategic Actions to achieve target
Increased awareness of the principles of administrative fairness	Increase in the number of individuals receiving information on the role of the Office	2001-2002 - 485 individuals reached 2002-2003 - 448 individuals reached 2003-2004 - 381 individuals reached	2005-2006 maintain the number of individuals reached 2006-2007 - 10% increase in number of individuals reached	- Enhance our communication strategy by targeting government officials, seniors, youth, and other designated groups - Distribute new brochures - Host the 2005-2006 Canadian Council of Parliamentary Ombudsmen Conference and introduce the new office logo

Office of the Ombudsman

Strategic Goal: Fairness and accountability in public sector administration.				
OUTCOME (immediate or inter- mediate)	MEASURE	DATA	TARGET	Strategic Actions to achieve target
Accountability in the delivery of government programs and services	Number/percentage of recommendations accepted	2001-2002* 2002-2003* 2003-2004 - 64	2005-2006 - maintain current percentage 2006-2007 - 100% acceptance of recommendations	Enhance relationship with government and increase awareness of the role of the Office Participate in consultation with government relating to the delivery of programs and services provided

* Data was not tracked for 2001- 2002 or 2002-2003

Office of the Ombudsman

Strategic Goal: Promote initiatives such as government policy development and review, as well as initiatives focusing on youth, seniors and cultural diversity.				
OUTCOME (immediate or inter-mediate)	MEASURE	DATA	TARGET	Strategic Actions to achieve target
Increase the number of requests for reviews of legislation, regulations and policies	Number of requests received by government	2001-2002* 2002-2003* 2003-2004 - 4	2006-2007 Increase the number of reviews of legislation, regulations and policies	Communicate to government officials our willingness to participate in this process
Increase presence in areas of government, citizens, and areas relating to youth, seniors, cultural diversity	Number of site visits conducted	2001-2002* 2002-2003* 2003-2004 - 25	increase the number of site visits by 10%	Develop a strategy to increase presence and provide accessibility to group homes, seniors, youth, and other designated groups

*Tracking began in 2003-04

